

On August 29, 2002 appellant, then a 48-year-old modified limited-duty clerk, filed a traumatic injury claim for back sprain alleging that on August 2, 2002 while on her way into the building she misstepped and stumbled, causing her back to be aggravated. Appellant claimed that she tried to work her shift, but stopped work due to back pain and went home. The employing establishment controverted appellant's claim stating that she was not on the clock.

and was in the process of returning to work following another occupational injury. Appellant sought medical treatment on the date of injury.

By letter dated September 30, 2002, the Office advised appellant that the evidence presented was not sufficient to establish her claim. It requested that she submit medical evidence providing a definite diagnosis and an opinion on causal relationship.

In response, appellant submitted a July 26, 2002 narrative report from Dr. John A. Sazy, a Board-certified orthopedic surgeon, who discussed her cervical spinal fusion and her degenerative disc disease. She also submitted an August 2, 2002 patient instruction sheet from Arlington Memorial Hospital regarding sciatica and its treatment. An August 8, 2002 Metroplex Surgicare form report indicated that appellant was seen on that date for a facet syndrome and that a lumbar facet injection was performed. The form was not signed by a physician and no diagnosis provided.

By decision dated November 6, 2002, the Office denied appellant's claim. It found that, although it accepted that the incident occurred as alleged, the medical evidence of record did not establish that a condition or injury was sustained or diagnosed due to the accepted incident.¹

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.³ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. The employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁵ The employee must also

¹ Additional evidence was submitted; however, the Board is precluded from considering it as it was not before the Office at the time of the November 6, 2002 decision. See 20 C.F.R. § 501.2(c).

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *John J. Carlone*, 41 ECAB 354 (1989); *Carmen Dickerson*, 36 ECAB 409 (1985); *Joseph A. Fournier*, 35 ECAB 1175 (1984). See also *George W. Glavis*, 5 ECAB 363 (1953).

submit sufficient medical evidence, generally in the form of a rationalized medical opinion, to establish that the employment incident caused a personal injury.⁶

Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. Such an opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.⁷

ANALYSIS

The Office accepted that appellant experienced the August 2, 2002 employment incident as alleged; however, it found that she failed to provide sufficient medical evidence to establish an injury causally related to the incident.

The report submitted from Dr. Sazy is not relevant on the issue of whether the August 2, 2002 incident caused an injury as it was written a week prior to the alleged employment incident.

The August 2, 2002 informational patient instruction sheet submitted from Arlington Memorial Hospital regarding sciatica and its treatment is of no probative value as it was not signed by any health care provider or a physician and, therefore, does not constitute probative medical evidence.⁸

The August 8, 2002 Metroplex Surgicare form report noted that appellant was seen on that date for a facet syndrome and that a lumbar facet injection was performed. This form was also not signed by a physician and, therefore, it does not constitute probative medical evidence.⁹ Therefore, this form is insufficient to establish appellant's claim.

Appellant also submitted a personal statement and answers to the Office's questions, which have no medical value in establishing that she sustained a medical condition on August 2, 2002 as a result of an employment incident.¹⁰

⁶ *Id.* For a definition of the term "injury," see 20 C.F.R. § 10.5(a)(14).

⁷ See *Donna Faye Cardwell*, 41 ECAB 730 (1990); *Lillian Cutler* 28 ECAB 125 (1976).

⁸ See *Vickey C. Randall*, 51 ECAB 357 (2000) (to constitute competent medical opinion evidence, the medical evidence submitted must be signed by a qualified physician).

⁹ *Id.*

¹⁰ See *Gloria J. McPherson*, 51 ECAB 441 (2000); *Sheila Arbour (Victor E. Arbour)*, 43 ECAB 779 (1992) (lay individuals are not competent to render a medical opinion).

As appellant has not presented any probative medical evidence supporting that she sustained an August 2, 2002 employment injury, she has not met her burden of proof to establish her traumatic injury claim.

CONCLUSION

The Board finds that appellant has not established that she sustained an employment injury in the performance of duty on August 2, 2002 as alleged.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 6, 2002 is hereby affirmed.

Issued: March 4, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member